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From: CN=Jennifer Wu/OU=R10/O=USEPA/C=US
Sent: Wed 8/29/2012 4:00:29 PM
Subject: Re: Fw: Oregon CZARA -- pesticides
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nbell@advocates-nwea.org

Hi Dave -

I also wanted to let you all know that DEQ's public comment period on NWEA's petition opened yesterday and closes on September 18. There's also a public hearing on September 12 in Portland.
http://www.deq.state.or.us/news/publicnotices/uploaded/120828_22_PublicNotice.pdf

I'm not sure if we want to comment or what the follow-up actions will be as far as how NWEA's petition affects CZARA. Let me know if you need any help organizing a meeting.

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<http://www.epa.gov/r10earth/tmdl.htm>

From: David Powers/R10/USEPA/US
To: Chad Schulze/R10/USEPA/US@EPA, Palmer.John@epa.gov
Cc: Jayne Carlin/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA, Karma Anderson/R10/USEPA/US@EPA
Date: 08/28/2012 11:55 AM
Subject: Fw: Oregon CZARA -- pesticides

Chad - I recently sent you an August 20, 2012 letter from NWEA to EPA and NOAA regarding EPA/NOAA findings on OR's management measures for pesticide use on ag and forest lands. That letter is attached below along with related state rule change petition documents. Now you have it too John.

The August 20th letter claims that the EPA/NOAA Coastal Resource Program 2004 interim sign off on OR's coastal nonpoint source pollution control plan (CNPCP) management measures for pesticide use relied on a court-ordered injunction stemming from the WA Toxics Coalition v. EPA Court decision. NWEA further claims that since that injunction has terminated for a number of pesticides, and will likely be completely terminated by June 30, 2013, an EPA proposed final decision relying on the injunction would be arbitrary and capricious.

It was my understanding that the injunction would be in place until Section 7 consultation on several dozen pesticides had been completed. I also understand the EPA HQ was the lead on the Section 7 consultation effort. Do either of you know:

- 1) the current status of those pesticide consultations and whether consultations are on track to be completed by June 2013
- 2) whether the pesticide label/use requirements have changed as a result of consultations
- 3) whether recommended measures (RPAs) from the Services were adopted as label/use requirements
- 4) whether lifting of the injunction was predicated on completion of Section 7

EPA and NOAA's Coastal Resources Program need to make findings on whether we can approve OR's and WA's CNPCPs. Management measures for pesticide use on ag and forest lands have been an issue. The state rule change petition process represents an opportunity to promote additional pesticide management measures (or reconfirm measures that are part of label requirements) so I would appreciate your insights on the above questions.

thanks, Dave

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----- Forwarded by David Powers/R10/USEPA/US on 08/28/2012 10:37 AM -----

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Date: 08/20/2012 02:10 PM
Subject: Oregon CZARA -- pesticides

Please find a short letter attached.

Nina

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[attachment "CZARA Letter to Federal Agencies re pesticide petition.pdf" deleted by Jennifer Wu/R10/USEPA/US] [attachment "Pesticide Petition FINAL.pdf" deleted by Jennifer Wu/R10/USEPA/US] [attachment "Table of Contents FINAL.pdf" deleted by Jennifer Wu/R10/USEPA/US]